

New language is double underlined>.

40.210.020 Rural Districts (R-20, R-10, R-5)

D. Rural Cluster Development.

1. Purpose. The purpose of this section is to provide for small lot residential development in the rural zoning districts (R-5, R-10 and R-20) which maintains rural character, maintains and conserves larger remainder parcels, protects and/or enhances sensitive environmental and wildlife habitat areas, and minimizes impacts to necessary public services. These goals are achieved by allowing the placement of homes on a small portion of the property while maintaining the majority of the site in a remainder parcel. This is consistent with the goals and policies of the Growth Management Act, especially the provisions for innovative development techniques to conserve open space and resource lands.
2. Definitions. For the purposes of this section, the following definitions shall apply:
 - a. "Building envelope" shall mean that buildable portion of a lot or parcel (the area outside of setbacks and easements) which is designated on the final plat for the location of a structure.
 - b. "Critical lands," for the purposes of this section, shall mean those lands classified by Chapter 40.440 as habitat areas, by Chapter 40.450 as any wetland category and associated buffers, by Chapter 40.430 as landslide hazard areas, all lands subject to Shoreline Management Act jurisdiction by Chapter 40.460, and all lands within a designated one hundred (100) year floodplain or floodway by Chapter 40.420.
 - c. "Remainder parcel" shall mean the remainder parcel of the cluster provision that contains the majority of the land within the development and is devoted to open space, resource or other authorized use.
3. Development Standards.
 - a. Maximum Density. Cluster developments are allowed a maximum density equivalent to that which would be permitted by applying the otherwise applicable minimum lot size requirements of this section. The density shall be based on one hundred ten percent (110%) of the gross area of the site.
 - b. Cluster Lots.
 - (1) Cluster lots shall be sited to minimize conflicts between housing and adjacent agricultural or forest zoned property.
 - (2) Cluster lots and building envelopes may not include critical areas unless no other alternative exists. If no alternative is available, encroachment into these areas shall be limited to the least amount possible consistent with applicable critical areas ordinances.
 - c. Remainder Parcel.

- (1) The remainder parcel shall be contiguous. Fragmentation of the parcel by public or private road easements and/or building sites shall not occur unless no other reasonable alternative exists. The remainder parcel shall provide a buffer for the cluster lots from adjacent lands in a resource zoning district. Remainder parcels shall also be located adjacent to other bordering remainder parcels or public parks and open space. To the maximum extent possible, all critical areas and any associated buffers existing on property proposed for cluster development shall be located within the remainder parcel. In order to retain the rural character the remainder parcel should contain to the maximum extent possible forested areas, prominent hillsides, meadows and ridges.
- (2) There are two (2) ways of utilizing the maximum density allowed within a cluster development, as follows:
 - (a) The creation of cluster lots equal to no more than the maximum allowed density, with a remainder parcel that can be used only for the agriculture and forestry uses as listed in Table 40.210.010-1(7)(a), (b) and (d) or as open space. An example of this would be a twenty (20) acre parcel in the R-5 district, where four (4) cluster lots and one (1) remainder are created. All of the allowed density is used on the cluster lots, and the remainder parcel can only be used as open space or for agriculture or forestry uses.
 - (i) If this option is used, an open space, equestrian, farm or forest management plan is required for the remainder parcel. The plan shall be submitted and approved with the preliminary application. The plan shall identify permitted uses and management of the parcel so that it maintains its open space or other designated functions and provides for the protection of all critical areas. The management plan shall identify the responsibility for maintaining the remainder parcel. The plan shall also include any construction activities (trails, fencing, agricultural buildings) and vegetation clearing that may occur on-site. All subsequent activities must be conducted in conformance with the approved management plan. Management plans may be modified through a Type II process.
 - (ii) A note shall be placed on the plat and a restrictive covenant shall be recorded that clearly states that only the above uses are permitted on the parcel. The note and covenant shall also incorporate the management plan, as described above.
 - (b) The creation of cluster lots equal to no more than one (1) less than the maximum allowed density with a remainder parcel that can also be developed. If this option is used, the

remainder parcel may contain the uses listed in Table 40.210.020-1. An example of this would be a twenty (20) acre parcel in the R-5 district, where three (3) cluster lots and one (1) remainder are created. The allowed density, less one (1), is used on the cluster lots. This permits the remainder parcel to be developed with any of the uses normally allowed in the rural districts. If the remainder parcel is to be residentially developed, a building envelope shall be delineated on the final plat. This building envelope must be located outside of any critical areas including fish and wildlife habitat areas, riparian corridors, geologic hazard areas, areas of significant natural vegetation, wetlands, prominent hillsides, meadows, ridges and any buffers associated with the above areas. This requirement shall not apply to pre-existing residences located on the remainder lot.

4. Lot Requirements. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.020-4 and 40.210.020-5, subject to the provisions of Chapter 40.200 and the Section [40.550.020](#).

Table 40.210.020-4. Lot Requirements – Rural Cluster Development					
Lot Type	Zoning District	Minimum Lot Area	Maximum Lot Size	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Cluster Lot	R-20, R-10, R-5	1 acre ¹	None ²	100 ³	140
Remainder Lot	R-5	65% of site	None ²	None	None
	R-20, R-10	75% of site	None ²	None	None

¹ Unless a larger size is required by the Clark County Health Department. Cluster lots can use right-of-way to meet the minimum lot size as permitted by Section [40.200.040\(C\)\(1\)](#).

² The minimum standard for remainder parcels controls the maximum size of cluster lots.

³ Unless a greater width shall be required by the Clark County fire code.

Table 40.210.020-5. Setbacks, Lot Coverage and Building Height – Rural Cluster Development						
Zoning District and Lot Type	Location or Structure Type	Minimum Setbacks			Maximum Lot Coverage	Maximum Building Height (feet)
		Front (feet)	Side (feet)	Rear (feet)		
R-20, R-10, and R-5 – Cluster Lots and Remainder Lots	Abutting cluster lot ^a	20	20	20	N/A	35 ²
	Abutting resource district ^a	200 ¹	200 ¹	200 ¹		
	Agricultural structures	50	50	50		
	Vehicle entry gates or garage door openings	20	20	20		
	All other situations	50	20	50		

¹ Except in cases where it can be shown that a lesser setback will provide the same or greater buffering or where requiring the normal setback will result in the location of the building sites within inappropriate areas such as wildlife habitat or wetland areas or the dimensions of the development site render it unbuildable.

² Residential buildings only.

(Amended: Ord. 2007-06-05)

5. Design Requirements. The design requirements for cluster developments are listed below. These requirements shall be recorded on the plat.
 - a. No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.
 - b. Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least fifty percent (50%) opaque.
 - c. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features.

6. Landscaping Standards. Cluster developments shall be landscaped within the developed portion of cluster lots, so as to reduce views of the development from the public right(s)-of-way so that a filtered view is provided of the cluster and the cluster does not dominate the landscape.
 - a. At a minimum, proposed or existing landscaping and vegetation shall be of sufficient size and type to provide a buffer of vegetation six (6) feet in height and fifty percent (50%) opaque year round within three (3) years of planting. New landscaping materials shall consist of native vegetation as provided on the Clark County plant list (see the Standard Details Manual). A combination of trees and shrubs must be used.
 - b. All landscaping shall be installed prior to final plat unless financial guarantees are made for its installation prior to any building permit activity. Any required landscaping materials that fail to survive within the first two (2) years shall be promptly replaced.
7. Previously Approved Cluster and Lot Reconfiguration Remainder Lots. Previously approved cluster or lot reconfiguration remainder lots are not eligible to use the provisions of this section.
8. Procedures. Cluster land divisions shall be processed in accordance with the established procedures for land divisions under Chapter 40.540.
9. Notice of Resource Activities. Where otherwise undevelopable cluster remainder parcels are designated for commercial timber or agricultural activities the following notice shall be recorded as part of the Developer Covenants to Clark County for each parcel within the cluster:

The subject property is adjacent to commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential discomforts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

10. Additional Development Standards for Equestrian Cluster

a. Utilization of maximum density shall be consistent with the method described in 40.260.040(D)(2)(a).

.b. An equestrian cluster is required to provide the following shared facilities on the site:

- i. Covered Riding arena to be located on the remainder lot within development envelopes not to exceed 2 acres.
- ii. Continuous internal trail(s) system with access to all equestrian facilities and lots. The trails shall connect with existing and future trails.

c. An equestrian plan that addresses the following shall be developed and implemented:

- i. Housing and confinement;
- ii. Animal husbandry;
- iii. Manure management; and
- iv. Odor and noise management.

d. Landscaping Standards

- i. The perimeter of the cluster lots and the equestrian facilities shall be screened from abutting properties per 40.210.040(6)(a).

e. If shared boarding facilities are proposed they shall be located on the remainder lot within development envelopes not to exceed 2 acres and shall accommodate a minimum number of horses equal to the number of cluster lots in the proposed development. In addition the shared boarding facility shall include sufficient area to wash, groom and tack horses.

- i. Wash rack
- ii. Grooming stand
- iii. Tack room

f. The remainder lot in the final development plan that includes shared equestrian facilities, including trails, structures and/or landscaping shall be permanently maintained by and conveyed to the following:

- (i) An association of owners shall be formed and continued for the purpose of maintaining the shared equestrian facilities. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the shared equestrian facility that is acceptable to the Prosecuting Attorney, in providing for the continuing care of the facilities. No equestrian facilities may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any covenants limiting the use of share equestrian facilities, and all rights to enhance these covenants against any use permitted are expressly reserved.

g. A proposal with shared boarding facilities shall have cluster lots that are a minimum of one acre in size unless a larger size is required by the Clark County Health Department.

(Amended: Ord. 2005-04-12; Ord. 2005-06-09; Ord. 2007-11-13)